

**Gallatin County Interim Zoning Gravel Pit Task Force
Minutes July 15, 2009**

Date: July 15, 2009

Time: 6:30 AM

- Belgrade City Hall, 91 E. Central

Task Force Members Present: Don Seifert, Shane Skinner, Sandy Lee, Dick Huttinga, Jackie Flikkema, Rich Morse (via phone), and Ron Pike

Task Force Members Absent: Drew Jenkins, Alvin VanderVos,

County Staff/Personnel Present: Jason Karp, Heidi Jensen, Tom Rogers

County Commissioners Present: None

Public Present: None

Meeting commenced at 6:35 AM

Jackie introduced Tom Etchart from Knife River who will be attending in her absence.

Don started out by telling the group that more structure would be required as we got down closer to the end of this. Robert's Rules will be followed. We will be proceeding on votes as we go. We will have a discussion on the Interim Regulations today. We will have a vote on the regulations for example. To ensure that the motions are made correctly into the record, write them out. Jackie asked for a ballot vote. She wants to make sure everything is clear, since the Commission had confusion on previous votes. Don said the motion will be made and seconded and then there will be time to speak and persuade. Everyone will have the opportunity to speak and make comments and then we will proceed to the vote. Don envisions taking a vote on the regulations first, and then moving to the modules, such as classification, planned unit development, etc. in the end there will be a vote on the whole package. He recommended that if you wanted comments to write them out. If the industry would like to make comments as a group that is okay, the public together, and planning board. That is how he envisions the whole thing working. Today we are visiting about the interim regulations. No voting as there may be questions about them. We will visit at the next meeting to clear up anything.

Don started in with the interim regulations. He referred to Tom and his processing of the pits that he has done and asked what he thought was a problem for staff. Tom thanked Don. His understanding was to skip over the title, creation, interpretation, which would put us at section 6 of the regulations. As he has gone through a number of these and he has a few ideas to present as a discussion item. There are a lot of different perspectives of how this works. It starts on page 4 section 6.1. He referred to the Commission as the

decision making body and had no comments there. Section 6.2 lists all the things that could be reviewed. He does want to amend Section 6.7 so that it is split into two sections. Jackie asked just so she was clear how do they address revocation or modification? Tom said it could be any time, if something on the site changes. There might be reasonable reasons to change. He referred to Greg Sullivan as to how things were written and that it is often litigious in nature. His suggestion is revocation is one issue and then if there are reasonable reasons to change a condition then that should be a new section. Jackie asked if the County Attorney will be reviewing this? The answer is yes. Those were his comments. He would like to hear the comments of the people who went through the process. Don said that Ron has been through this do they think? The only problem he had was putting a number value on was the economical impact. He thinks the Commission understands economical impact, however we get a new Commission and that statement or part of the CUP process ambiguity exists. It is the hardest part to determine. Morrison and Maierle also had problems with it. It is under Section 6.1, CUP's shall be issued upon finding (a-f). Ron said that to industry was what really stood out as to water and air they can put numbers to. In the two processes they have gone through that was the wild card. He has a hard time thinking the study out of Rhode Island was not really relevant to Bozeman, Montana. He wanted to mirror the DEQ process. Rich commented that he agreed with Ron and that it is subjective and would be nice if it was more quantifiable. It was wild in that it could not be defined. He thought it was also the biggest issue for the neighbors. He thought it was also an issue for the Commission to get a handle on. His suggestion was to not completely do without the condition in there but try and find a way to word it so that it wasn't quite as subjective. He thought we might consider some wording that might satisfy the neighborhoods and perhaps something that property values should be considered in the process. Ron said that when they were doing the Morgan Pit, were considering doing an electric feed lot out there and nobody said anything. Jackie asked what Sandy thought? How do realtors determine price? Sandy said that as a realtor many realtors have said that a 50% reduction in cost. She can go to LasCampanas and sell a house without a reduction of value. The race track has the same problem. She can bring the study from Finland which said a 12% reduction. She has gotten all the stuff she can. It will reduce the number of buyers, but by an unquantifiable amount. Rich said it was almost impossible to quantify it. He thought maybe we could agree it does have an impact that is not positive. What that impact is has been where the Commission does not want to go. He was all for making it more subjective. Ron didn't think they made enough as volunteers to be economists. Rich put out there to say the Commission should look at value, and are allowed to consider property values. Operations will address significant impacts, suggested by Jackie. Ron said that it has been addressed by berms, seeding, grass, and whatever. Jackie said what if they added the language will address through mitigation. Don asked what she was saying, the operations will mitigate significant impacts? No she said to change it to The Operations will address significant adverse impacts on nearby properties, property values, nearby land uses or nearby residents through mitigation. Rich wants to leave it to staff. As long as we know what the needs of the industry and the needs of the neighbors. Jackie asked what Dick thought. He thought that it was right on with changing the language on it. They did not spend a lot of time on it since and there was not enough time or money to do a whole study. The neighborhoods around

him were selling at asking or higher price. Rich said the question would be to look at it realistically if the pit were greened over back into pasture? Dick said he had no idea. Rich's gut feeling was that yes they would be, how much, he is not going there. Jackie said that a lot of people bought the property because they got a cheaper price to start. Jackie said that people thought the pit was going to close, and then when it either did or didn't and they sold they did not gain the 50% they hoped for, which is how they are justifying property value loss of 50%. Don said if you are willing to take the risk of owning next to a gravel pit and then hoping to gain after the pit closes. That is a risk/reward thing. Sandy said that if you have a house next to a short term pit that is going to be reclaimed as a pond your property value goes way up. What is the balance? She has looked at both sides. Dick said that the neighbor is sure that it is affecting his value but if he is not allowed to mine than it affects him. Jackie said the interesting thing is time limits. She is worried that we are going to have holes everywhere. Rich had two things, one Jackie talked about buying in low and hoping to gain and then Ron's comment about the person who bought next to a water tower. He is not going to try and put a number on it but it does need to be addressed. He does not think we can wordsmith it as a group but have staff work on it. Don said it is something the Commission needs to address at the hearing. Don liked the initial change that was suggested. He thought it may want to be modified just a bit but he would ask staff to look at it to see if there is a way to give the Commission options.

Don asked Rich if there was anything in the regulations that he wished to discuss? Rich said no. Shane did not have anything. Jackie had something that she wanted to match up with DEQ. She thought it was 6.5D, the new legislation that was passed was ½ mile. Don asked what the new requirement? It is ½ mile and 1000 feet. Don said that we talked about notification in a municipality in a paper. Tom said that in the classification system and we did address the municipality there. If the proposed 1 mile intersected a municipality then the issue was addressed. This is local control and means of communicating with the public and what state requirements are. Dick asked in the new legislation was there any difference between new and modifying existing pits? Ron shook his head no. Tom talked about local control. Don liked the posting onsite, 3x5 notice, and ½ mile mailing. Don would also like to see a map included in the 3x5 ad which really makes a difference. Rich commented on whatever the decision is industry may be able to keep some people from screaming. The big change was to move notification in ½ mile and including a vicinity map.

Ron asked about traffic in the regulation. Tom talked about the submittal requirements for a TIS. Ron said we are doing TIS and then the local road department is requiring something else. It is interesting that they spend the money and then is trumped on the other side. Tom said there are some historical relics that we are dealing with. The two pits you have done were MDT and that Commission has asked the Road Department to be quiet if there is a TIS. The recommendations from the TIS should be conditioned. Don asked if Dick was on a County Road. Dick said that the TIS was done and then never discussed. Tom said yes it was prior to the hearing. Don asked how it could be addressed in the CUP process. Tom said 6.1D addressed it, facilities is our County Road Department. Making it objective and realistic, this is at the whim of the Road

Department. Jackie asked if it was something we could tighten the ropes of? Precedence for telling operators what roads they can use when it is a public road. Rich thought it had to be left to staff to rewrite 6.1D. Don said one of the things we need to remember is the Commission is always looking for some vagueness. Tom said the TF could consider the requirements for staff and applicants to meet prior to the hearings. They have an opportunity to comment and work on the recommendations prior and then the ones that can not be agreed on are the specific ones that are addressed at the hearing. Tom further referred to the newly adopted HB, talked about the permit area for the 1000 feet mailing. The TF could set down the procedure. Jackie thought it should be an option to meet with staff not a requirement. Don tried to think about how it could be written. Tom said some suggestions for the TF would be to employ the regulations for subdivision. The TF could recommend the transportation component portion of the subdivision regulations within these regulations. Jackie thought something would need to be in there matching county standards, which would be set forth from the Road and Bridge Department. Don said that in D, impact on public services we have taken it to mean roads. Administratively when these are worked out, how do you determine impacts to the road? Public services and facilities have included roads. Tom said he was not an engineer so he does not make the comments he has sought them from the appropriate agency. The issue has been seen in 3.2D and J. Don asked Ron if the language in D even needed to be changed?

Next week we should address the issues that we talked about today. What he would like to do next time is vote on the changes to the Commission.

Meeting adjourned 8:05